AMENDMENTS TO THE DRAWINGS

A replacement drawing sheet with FIGURE 1 is attached herewith. FIGURE 1 has been revised to include the legend "Prior Art."

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REMARKS

In the July 11, 2007, non-final Office Action, the United States Patent and Trademark Office ("Office") objected to Figure 1 because it was said that it lacks a legend "Prior Art." Claims 11-15 were rejected under 35 U.S.C. § 101 because it was said that the claimed invention is directed to non-statutory subject matter. Claims 1-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,781,901 ("Kuzma").

Although applicants do not admit to the propriety of the objections, applicants have submitted a replacement sheet for Figure 1, on the face of which the legend "Prior Art" has been placed to advance the prosecution of the patent application. However, applicants deny that Figure 1 illustrates prior art. Withdrawal of the drawing objections is respectfully requested.

Regarding the rejections under 35 U.S.C. § 101, MPEP § 2106.01 explains that "[a] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035 (Fed. Cir. 1994) (discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency). The preamble of Claim 11 recites "[a] computer-readable medium having a customizable, tag-based data structure stored thereon for use by a networked system to process the act of sending information by reference." Thus, it is difficult for applicants to understand the reasons behind the rejections under 35 U.S.C. § 101. Withdrawal of the rejections is respectfully requested.

Applicants have amended Claims 1, 6, 12-16, 21, and 26 to clarify the claimed invention and to bring forth what was inherent in those claims. Applicants are unable to find, and the Office has failed to show, where the cited and applied references teach or suggest the claimed

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invention. For example, applicants are unable to find "a message receiver for receiving the customizable, tag-based message, the message receiver being capable of processing the reference in the customizable, tag-based message to cause a piece of information stored in the first buffer to transfer to a second buffer if the first buffer contains the piece of information to be sent and the second buffer acts as a repository for receiving the piece of information and the piece of information stored in the second buffer to transfer to the first buffer if the second buffer contains the piece of information to be sent and the first buffer acts as the repository for receiving the piece of information," as recited in Claims 1, 6, 16, 21, and 26, albeit in different manners.

The Office cited Blocks 705-707 of Figure 7 of Kuzma as teaching or suggesting the claimed invention. These blocks of Kuzma have to do with adding a URL hypertext link to a recipient's email page from which an attachment can be read. In contrast, the claimed invention requires "the piece of information stored in the second buffer to transfer to the first buffer if the second buffer contains the piece of information to be sent and the first buffer acts as the repository for receiving the piece of information," as recited in Claim 1. The attachment of Kuzma is not a buffer. The URL hypertext link of Kuzma points to this attachment. A user either opens the attachment or not. In contrast, the claimed invention allows "the piece of information stored in the second buffer to transfer to the first buffer if the second buffer contains the piece of information to be sent and the first buffer acts as the repository for receiving the piece of information," as recited in Claim 1. This is not possible with Kuzma.

Additionally, applicants are unable to find "a message receiver for receiving the customizable, tag-based message, the message receiver being capable of processing the reference in the customizable, tag-based message," as recited by Claim 1, among other limitations. The fixed-tag language of HTTP used by Kuzma is not a customizable, tag-based language, and therefore, a customizable, tag-based message cannot be formed from it. The tags in HTTP are

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fixed. For example, Claim 11 requires "a service tag that is indicative of a service for representing a buffer." The Office relied on the theory of inherency to explain how a fixed-tag language, like HTTP, can be used to create a customizable, tag-based message as required by the claimed invention. Applicants respectfully submit that inherency cannot explain the contradiction of using a fixed protocol language to create a customizable, tag-based message.

Because the Office has failed to state a *prima facie* case of anticipation, the rejections should be withdrawn. Independent Claims 1, 6, 11, 16, 21, and 26 are clearly patentably distinguishable over the cited and applied references. Claims 2-5, 7-10, 12-15, 17-20, 22-25, and 27-30 are allowable because they depend from allowable independent claims and because of the limitations added by those claims. Consequently, reconsideration and allowance of Claims 1-30 is respectfully requested.

Respectfully submitted,

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